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Respectfully submitted,

By: Thomas L. Evans  
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BANNER AND WITCOFF, LTD.

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Atty. Docket No.  
005156.00011PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Timothy Joel BROWN

U.S. Pat. App. No.: 09/625,989

Group Art Unit: 2126

Filed: July 26, 2003

For: A METHOD FOR USING A FLOATING PALLET FOR A DIGITAL ASSET  
MANAGEMENT SYSTEM IN A PLURALITY OF DIFFERENT APPLICATIONSREQUEST FOR RECONSIDERATIONCommissioner for Patents  
P.O. Box 1450,  
Alexandria, 22313-1450

Sir:

Applicant respectfully asks for reconsideration of both the above-identified application and the Office Action dated November 26, 2003. A response to this Office Action was due by February 26, 2003. Accordingly, Applicant is concurrently submitting a Petition for a one month extension of time, along with authorization to charge the small-entity Petition fee of \$55 to Deposit Account No. 19-0733. Please consider this Request as timely filed.

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In addition to this Request, Applicant also is concurrently submitting a Request For Continued Examination, together with authorization to charge the associated Request fee to Deposit Account No. 19-0733. Accordingly, Applicant respectfully asks for consideration of this Request.

In the Office Action, the Examiner rejected claims 1 and 2 over U.S. Patent No. 5,864,338 to Austin.<sup>1</sup> Applicant respectfully traverses this rejection, and courteously asks for its reconsideration.

Claims 1 and 2 recite a method of using a floating pallet for a digital asset management system that includes creating a single extension plug-in to interface with API's of a plurality of different applications. The extension plug-in then communicates with a digital asset management system. Thus, these claims recite a single software object (i.e., a single extension plug-in) to communicate with a plurality of API's for different applications.

In rejecting claims 1 and 2, the Examiner stated:

Austin does not explicitly teach a plurality of applications. However, Austin (lines 49-62 column 21) discusses the concept of a stand-alone DataSocket that provides data to multiple applications concurrently. It would have been obvious to consider this teaching as a single extension plug-in interfacing with a plurality of different applications because this simplifies network programming as disclosed by Austin (lines 49-61 column 21). (See Office Action, page 3, lines 1-6.)

Applicant again respectfully submits that the Examiner has grossly misinterpreted the disclosure of the Austin patent.

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<sup>1</sup> Applicant respectfully points out that U.S. Patent No. 5,864,338 is actually a patent to Nestor et al. entitled "System And Method For Designing Multimedia Applications," and makes no reference to a "DataSocket extension." Accordingly, Applicant understands that the reference to U.S. Patent No. 5,864,338 is in error. Applicant

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For example, Applicant points out that the Austin patent uses the term "DataSocket" to identify a general communication protocol, and then refers to any component using this protocol with the term "DataSocket." The Examiner, however, has confused the DataSocket *server* disclosed in the Austin patent with the DataSocket *API* and with the DataSocket *extension*. Clearly, one of ordinary skill in the art would appreciate that a *server*, *API* and *extension*, are not the same component. Nonetheless, the Examiner has treated these three different components interchangeably without regard to their differences. Applicant refers to, e.g., page 1, lines 14-16 of the outstanding Office Action, where the Examiner relies upon column 25, lines 54-55. This portion of the Austin patent refers to a plug-in or extension. The Examiner then goes on to refute Applicant's previous arguments by relying on the portion of the Austin patent in column 21, lines 34-67, which refers to a DataSocket server.

In view of these obvious and glaring errors in the Examiner's interpretation of the Austin patent, Applicant again asks that the Examiner reconsider his reliance upon the Austin patent. Applicant submits that the Austin patent does not teach or suggest a plug-in for use with a plurality of application programming interfaces, as recited in claims 1 and 2. Instead, the Austin patent teaches the use of multiple DataSocket application programming interfaces that share a common, flexible communication technique. (See, e.g., column 21, lines 63-65.) A *separate* DataSocket Server then facilitates the exchange of data between application programs using a version of the DataSocket application programming interface.

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is instead treating the rejection of claims 1 and 2 as a rejection under 35 U.S.C. §103 to U.S. Patent No. 6,526,566 to Austin. If Applicant's understanding is incorrect, then the Examiner is invited to clarify the basis of the rejection.

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Accordingly, Applicant respectfully submits that the portion of the Austin patent relied upon by the Examiner would not teach or suggest the invention recited in claims 1 and 2. It is therefore asked that this rejection of claims 1 and 2 be withdrawn.

In view of the above remarks, it is respectfully submitted that all of the claims are allowable, and that this application is in condition for allowance. Favorable action in this regard is courteously requested at the Examiner's earliest convenience.

Respectfully submitted,

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